

How To File An Adversary Proceeding or Notice of Removal

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. During the filing of this event, unlike the opening of a Bankruptcy case, the attorney for the plaintiff must select himself/herself at the attorney selection screen.

Prepare the complaint (*or notice of removal if the case is being removed to federal court*) in PDF format before you begin the process of opening the adversary proceeding.

Note: Before beginning, you must carefully make note of the case number of the main bankruptcy case with which this adversary proceeding will be associated.

Step 1 Click on the **MAIN MENU** that appears immediately after logging in, and click on “Adversary.”



Step 2 The **ADVERSARY EVENTS** screen appears. Click on **Open AP Case** hyperlink. (*Miscellaneous Proceeding, such as an ancillary proceeding cannot be opened by attorneys at this time and must be filed conventionally with the court.*)

Note: Select **Open AP Case** then the **Complaint** Event for Notices of Removal. The Notice of Removal choice will be found in the pull down box as a type of complaint.

Step 3 The **OPEN ADVERSARY CASE** screen appears. The **Case Data** is entered on this screen. .



1. The **Case Type** is **ap** for adversary proceeding.
2. The **Case Number** field is left blank. The case number is generated at the end of this process. Make sure you take note of it on the final screen
3. The **Date Filed** box cannot be changed and should display the current date.
4. The **Complaint** field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, change



the y to n.

5. Click **Next** to continue.

Step 4 The **LEAD CASE/ASSOCIATION TYPE** screen appears.



Enter the main bankruptcy case number in the **Lead case number** field including hyphens.

- Note:** If the case number is invalid or if the lead case does not reside on this database, an error message, “**YY-NNNNN**” is **not a valid case. Please enter a valid value.**” is generated. You will not be able to proceed with the case opening process. Research the reason for the error.
6. Select the **Association type** in the drop down box. If the adversary you are filing is not a dischargeability complaint or objection to discharge, then simply select related. A linkage between the two cases will be created. *(Other associations are Consolidated, Jointly Administrated, and Related.)*
 7. Before clicking **Next**, double check that you have entered the correct number.
- Click **Next** to continue.

Step 5 The **CASE ASSIGNMENT** screen displays. Case Assignment is based on the lead Bankruptcy case.



- Click **Next** to continue.

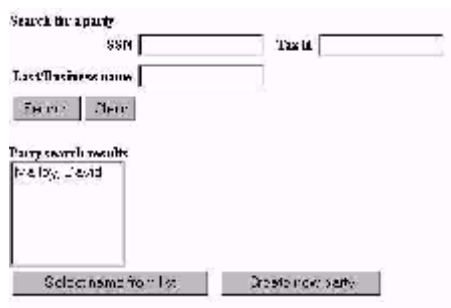
Step 6 The **SEARCH FOR A PLAINTIFF** screen appears. Before adding a party it is recommended that you search the database for the filer. Enter the Last Name or Business Name, SSN or Tax ID of the Plaintiff.

- Enter the last name of the party to be searched. If this is a business filing, enter the first word of the name to search the database. The entire business name is stored in the **Last/Business name field**. The field is 200 characters.

Search Hints:

- Enter one field or data for each search
- Format Social Security or Tax Id Numbers with hyphens
- Include punctuation (Garcia-Carrera)
- Try alternate search clues if your first search is not successful.
- Partial names may be entered.
- Wild cards (*) should not be used especially by itself. ALL records in the database will be searched and unnecessary system resources will be used.

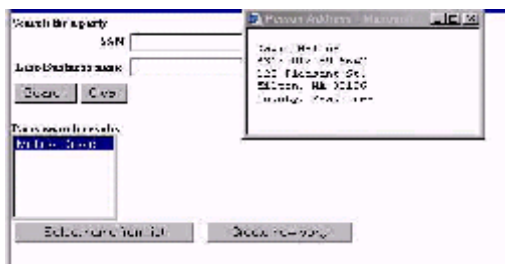
Step 7 The **SEARCH RESULTS** screen appears.



Note: If the designated party was already in the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation, you would select the party by highlighting the name with your mouse and click on the **Select Name From List** button.

- The name search may find more than one record having the same name. Clicking on each name will display a window showing the party's address

information for verification.



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Plaintiff Information

Bart Simpson SSN:TT-known

Office Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E mail

Party text

Add all attorneys, aliases and corporate parents before clicking the Submit button

- If none of the parties displayed match the party you are looking for, click on the **Create new party** button to add a new person record with the correct address.

Step 8 Once the party has been found or has been entered in the system, the **PARTY INFORMATION** screen appears. Whether you add a party from a master record or create a new party record, complete the party Information.

- ***It is essential that you select the correct party role (Plaintiff, Plaintiff's Counsel or Defendant) for each entity you add as a party.***
- Always add the plaintiff first.

- The **Party Text** field is used for further party description, such as a Massachusetts Corporation, or Trustee for the Estate of or Chapter 7 Trustee. Whatever is entered in the Party Text field will appear in the Title of the adversary proceeding.
- After adding the plaintiff, you will need to add/link yourself as the attorney representing the plaintiff(s) to the plaintiff's party record.
- Your attorney record already exists on the court's database in an attorney roll that is maintained by Clerk's office staff.
- Click **Attorney** button at the bottom of the screen.

Step 9 The **ATTORNEY SEARCH** screen appears. This screen allows you to retrieve the attorney record by either State Bar ID number or Last Name (or partial Last Name).



- Enter either the Bar ID number or the last name and click on **Search**.

Step 10 The **ATTORNEY SEARCH RESULTS** screen will display all of the matches for the search clue you entered.



Note: Your search may find more than one person having the same name as shown in the figure above. Clicking on each of the names will display a window the person's address information for verification. If the name is correct and the address is out of date, accept the name and change the address on the following Attorney Information screen otherwise, you must create a new person record and address for your attorney.

Step 11 The **ATTORNEY INFORMATION** screen displays the master attorney record from the Court's attorney roll.

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Attorney Information Party ABC CORP.

smith, jay Bar ID: 123456789 Bar State: NJ

Office Address 1

Address 2 Address 3

City State MA

Zip Country

Phone Fax

E-mail Local attorney: n

Add attorney Cancel attorney Use

This is Add Attorney screen which changes the attorney for this Party case. It does not change the attorney for all of the other cases.

- An attorney record may only accommodate one address per record. If the address for this case should be different than the master record, make changes to this screen. **THIS WILL CHANGE PROFESSIONAL AND MAILING INFORMATION FOR THIS CASE ONLY. DO NOT USE THIS METHOD AS A GLOBAL CHANGE OF ADDRESS.**
- After verifying the information, click **Add Attorney** to associate this record with the plaintiff.
- The **PARTY INFORMATION** screen reappears. It is wise to click **Review** to verify attorney and alias information for this party.
- Click on **Return to Party** screen button.
- When the **PARTY INFORMATION** screen appears again, click on **Submit**.

Step 12 The **PARTY SEARCH** screen appears again. If there are no other plaintiffs to enter, Click on End Plaintiff Selection.

The screenshot shows the 'Open Adversary Case' form in the ECF system. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The form title is 'Open Adversary Case'. Below it is the section 'Search for a plaintiff'. This section contains input fields for 'SSN', 'Tax Id', 'Last/Business name', 'First Name', and 'Middle Name'. There are 'Search' and 'Clear' buttons. At the bottom of the form is an 'End plaintiff section' button.

- Follow the same steps previously used to find a defendant. Enter a search clue to bring up records related to the defendant's name.
- Highlight the matching name retrieved from the database and verify that you have found the correct party before you select them.

Step 13 Selecting the party will open the **PARTY INFORMATION** screen.

The screenshot shows the 'Party Information' form. It contains various fields for identifying a party, including 'Name', 'Address', 'City', 'State', 'Zip', 'Phone', 'Fax', 'Email', and 'Date of Birth'. There are also dropdown menus for 'Party Role' and 'Party Type'. At the bottom, there are buttons for 'Save', 'Cancel', and 'Submit'.

- You must select the Party Role by clicking the down arrow for the **Party Role** field. Highlight defendant and click on Submit.
- Do Not add an attorney for the defendant. This will be done at a later time.
- The **PARTY SEARCH** screen will reappear. If there are more than one defendant, repeat the process of searching and adding defendants until they are all entered.
- Click the **End Defendant**

- **Selection** button when there are no more parties to add.

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screen appears. Please complete the required information by reviewing and selecting the appropriate option in each drop down box.

- The **Party code** field has three choices (*click the down arrow*) to indicate whether the United States is a party and if so, whether it is a plaintiff or a defendant. Unless the U.S. is a plaintiff or defendant, accept the default **US is not a Party**.

- The **Nature of Suit (NOS)** field includes a list of types of claims for relief. Choose the primary claim for relief and highlight any additional choices under the Secondary Nature of Suit box.

IMPORTANT NOTE

IF THE COMPLAINT ALLEGES MULTIPLE CLAIMS FOR RELIEF AND IF ONE IS A SECTION 727 OBJECTION TO DISCHARGE, ALWAYS SELECT “424 (OBJ/REVOCATION DISCHARGE 727) AS THE PRIMARY NATURE OF SUIT”

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x is “n”. Change the default to “y” only if this is a Class Action suit.

- Select the appropriate response in the **Jury demand** filed.
- If the complaint seeks a money judgment, complete the **Demand (\$000)** field. Type in the amount in thousands, e.g., to indicate a demand of \$100,000, type “100” into the Demand field. If the demand for a money judgment is for less than \$1,000, type in “1.” If the complaint does not seek a money judgment, leave the field blank.
- If State Law applies changes the default to **y**.
- Double check the information provided, and then click on **Next** and continue.
- If the filing fee is exempt for any of the three reasons, change the **n** to **y** and click **Next**.

- If the filing fee is deferred because Plaintiff is a Trustee or Debtor in Possession, change the **n** to **y** and click **Next**.

Step 15 The **BROWSE FOR PDF DOCUMENT** screen appears. Retrieve the PDF document which should consist of the **Adversary Cover Sheet and the Complaint**.

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Open Adversary Case

Select the pdf file to upload (File extension: PDF or PCL or PLS)

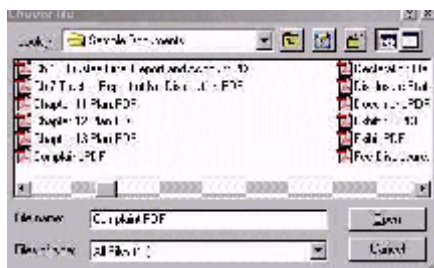
Filename:

Attach Document to Document: (R) No (C) Yes

Is fee DEFERRED because the Plaintiff

- To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
- Click **Browse**, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.

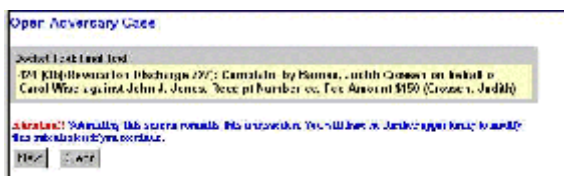
Adversary Proceedings and Adversary Documents



- Make certain it is the correct document by right clicking the filename with your mouse and select **Open**.
- This will launch Adobe Acrobat Reader displaying the contents of the imaged document. Verify that the document is correct then close the Adobe application.
- If the file was the correct document, click **Open** on the File Upload dialogue box.
- Select “yes” if there are attachments to be added to this document.
- Click **Next** to continue.

Step 16 The **FINANCIAL** screens appear.

Step 17 The **MODIFY TEXT** screen appears. Verify the accuracy of the docket text. The information displayed here is what will print on the docket.



- This is your final opportunity to review the docket text and make any corrections necessary. Click the browser **Back** button at the top of the screen to return to the any needed screen to make corrections.

